CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 15, 2008

INVOCATION:
Rev. Gary Hanson of Grace Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Acting Community Development Director Woods, Police Commander Ritz, Fire Battalion Chief Jones, Advance Planner Smith, Planner II Scott, Community Programs Manager Coelho-Hudson, Grants Specialist Alarcon, and Chief Deputy City Clerk Perez.

PROCLAMATION – EARTH DAY
Councilmember Zacarías read a proclamation declaring April 22, 2008, as "Earth Day" in the City of Santa Maria and encouraging all residents to participate in Earth Day activities. The proclamation was accepted by Sister Janet Corcoran and Virginia Sousa.

PROCLAMATION – NATIONAL DAY OF PRAYER
Councilmember Patino read a proclamation declaring May 1, 2008, as "National Day of Prayer" in the City of Santa Maria and encouraging people of all faiths to participate in the National Day of Prayer according to their own traditions. The proclamation was accepted by Jim Zimmer and members of the Committee.

VOLUNTEER OF THE MONTH
Councilmember Trujillo presented a gift to Leticia Sanchez, the Recreation and Parks Volunteer of the Month for April 2008, for her dedication and outstanding efforts with the Career Camp Program.

ANNOUNCEMENTS
Mayor Lavagnino talked about the numerous requests from the Minuteman Civil Defense Corps for the City to implement Section 287(g) of the Immigration and Nationality Act. He explained that police could only use 287(g) when people were taken into custody as a result of violating state or local criminal law, not one city in California had received the required training, the City did not have a 72-hour holding facility as required, and the training was five weeks in Georgia with a one-year waiting list. He asked that the Minuteman Civil Defense Corps stop asking the City to pursue 287(g) and encouraged them to contact the Sheriff's Department instead.

PUBLIC COMMENT
Sister Janet Corcoran talked about Earth Day and its beginnings and encouraged people to save the environment by reusing and recycling.

Janna Douma, American Cancer Society, announced that May 1, 2008, would be "Paint Our Town Purple Day" and encouraged people to decorate and dress in purple in recognition of the fight against cancer.

CONSENT CALENDAR
Councilmember Patino requested Item 3F be pulled for comment.

Councilmember Zacarías announced that she would be abstaining from Item 3E, an Entertainment License for Cue & Cushion, due to a conflict of interest as the applicant was a family member.

Councilmember Trujillo announced he would be abstaining from Item 3B, the Minutes of April 1, 2008, since he was absent from that meeting.

Item 3F – Entertainment License for MotionZ
Councilmember Patino stated that at Fighting Back Santa Maria Valley meetings they talked about teens not having much to do in Santa Maria. She said she was pleased to see this application for an Entertainment License to allow high school and college bands to play and hoped it would provide additional entertainment opportunities for teens.

Consent Calendar Items A through F were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Trujillo (Item 3B only), Zacarias (Item 3E only)

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 1, 2008, were approved as submitted.

C. WARRANTS
Warrant Nos. 141141 to 141433 in the amount of $1,620,719.32 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 136652, 139923, 140361, 140406, 141212, and 141256 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ENTERTAINMENT LICENSE
Resolution No. 2008-46 was adopted approving an Entertainment License for Cue & Cushion at 415 S. Blosser road to allow live music and dancing on Sunday from 8:00 p.m. to 2:00 a.m.

Resolution No. 2008-46 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR CUE & CUSHION.

F. ENTERTAINMENT LICENSE
Resolution No. 2008-47 was adopted approving an Entertainment License for MotionZ at 218 Town Center East to allow entertainment in the form of high school and/or college bands on Sunday from 5:00 p.m. to 7:00 p.m. and on Monday from 5:00 p.m. to 9:00 p.m.

Resolution No. 2008-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR MOTIONZ.

2008/09 ALLOCATIONS FOR CDBG AND HOME FUNDS

Mayor Lavagnino asked the members of the Block Grants Advisory Committee who were present to stand and be recognized and thanked them for their hard work.

Community Programs Manager Coelho-Hudson gave the staff report. The Federal Community Development Block Grant (CDBG) Program, a program that provides state and local governments with funds to address a variety of complex physical, economic and social needs in the community, has been in existence for over 30 years. While many cities use their funds for city capital improvements projects, the City of Santa Maria conducts an open application process for community-based, non-profit agencies and the community at large to apply for funding. Since 1987, the City has typically funded approximately 20 agencies each year to provide public services and has completed over 50 projects under its Non-Profit Facilities Program. For fiscal year 2008-09, the City anticipates receiving $1,256,488 in CDBG entitlement funds. Of this amount, $188,473 plus an additional $3,952 in program income will be available for public service. Twenty percent or $251,297 can be allocated to general administration. $816,718 will be available for capital development projects. As part of a consortium with the County, the City will be eligible for $364,669 in HOME Investment Partnerships Program funds.

The Block Grants Advisory Committee oversees the process that involves an assessment of the needs in the community, the recommendation of funding priorities, the review of funding applications, and the recommendation of allocations. A community needs workshop was conducted on November 12, 2007. Additionally, a joint meeting was held with the City Council on January 10, 2008, at which time the Council directed the Advisory Committee to use the same priorities from fiscal year 2007-08 with the exception of eliminating the priority for the Families for the First Decade project. The Advisory Committee divided into five teams of three committee members each and conducted an in-depth review and on-site visits of all the applications received for funding. A special Advisory Committee meeting was held on March 31, 2008, at which time each team reported the findings of their site visits. The Committee met again on April 2, 2008, to formulate its recommendation for City Council approval. The Advisory Committee recommended funding of those projects and programs that were qualified under the #1 priority and ranked by the Committee as "high" in need. In addition, the Committee recommended the following special conditions: (1) that 15 percent of any additional program income received before the end of the current fiscal year be allocated to the Legal Aid Foundation under CDBG public services; (2) if Good Samaritan Shelter, Inc., does not secure State grant funding and does not finalize the purchase of the Re-Entry Facility by 12/31/08, the CDBG capital allocation will be canceled and reprogrammed to another project; and (3) If Villa Del Sol, L.P. does not secure approval for rezoning and a General Plan Amendment, the CDBG capital allocation will be canceled and reprogrammed to another project.

Councilmember Zacarias asked if the Committee decided to process the youth focus dollars in a different way.

Community Programs Manager Coelho-Hudson explained that the additional $30,000 allocation from the City General Fund was being handled as a separate application process that would be starting very soon.

Mayor Lavagnino opened the public hearing.

Public Services

David Coelho, Catholic Charities, thanked the Block Grants Advisory Committee for their dedication and the City Council for its support.

David Krier, Community Action Commission, thanked the Council for its support of the Senior Nutrition Program. He said they were currently running the program in a deficit and invited everyone to attend the Annual Champion's Dinner Fundraiser on April 24th.

Melinda Johansson, Domestic Violence Solutions, thanked the Block Grants Advisory Committee and the City for its continued support.

Sylvia Barnard, Good Samaritan Shelter, thanked the City Council and the City for its support and the Committee for its work. She talked about how the agencies work together and do not duplicate services.

Maria Long, Court Appointed Special Advocates, thanked the Block Grants Advisory Committee for recognizing CASA for the first time. She said foster children were in crisis right now with almost 800 children in the foster care system in the County.

Kathleen Riel, Independent Living Resources Center, stated their request this year was to serve the large deaf community in Santa Maria and explained what services they provide for their deaf clients. She thanked the Committee for their hard work and commitment.

Ellen Goodstein and Yvonne Cudney, Legal Aid Foundation, commended the Block Grants Committee for the way it handled the process and thanked the City for its support. She said last year they were able to help 1,190 people from Santa Maria with free legal assistance.

Captain Bob Louangamath, Salvation Army, thanked the community and the City for its support. He expressed concern about the amount of the recommendation and requested the allocation for the Salvation Army be reconsidered.

Sister Janet Corcoran, Marian Medical Center, requested the Alliance for Pharmaceutical Access, Central Coast Literacy Council, Council on Alcohol and Drug Abuse/Teen Court, People's Self-Help Housing/Housing Counseling, SMOOTH Senior Dial A Ride, and Salvation Army be given funding or increased funding.

Councilmember Zacarías stated she needed to abstain from voting on the allocations for the Alliance for Pharmaceutical Access because she worked for them and the Community Action Commission/Senior Nutrition Program because she was on the Board of Directors.

Councilmember Orach advised that he would be abstaining from voting on the allocation for the Legal Aid Foundation because he was on their Advisory Committee.
Resolution No. 2008-50 approving the Public Service activities and allocations was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Orach (Legal Aid Foundation only), Councilmember Zacarías (Alliance for Pharmaceutical Access, and Community Action Commission/Senior Nutrition Program only)

awarding funding to the following:

Alliance for Pharmaceutical Access	$ 6,000
Alzheimer's Association	$ 4,346
Catholic Charities	$25,000
Community Action Commission/Senior Nutrition	$ 8,000
Community Partners in Caring/Faith in Action Volunteer Program	$ 7,500
Court Appointed Special Advocates (CASA)	$ 2,500
Domestic Violence Solutions/Emergency Shelter	$ 7,500
Foodbank of Santa Barbara County/Warehouse Program	$ 7,500

Good Samaritan Shelter	$20,000
Independent Living Resource Center/Deaf Outreach	$ 5,350
Legal Aid Foundation of Santa Barbara County	$17,729
North County Rape Crisis & Child Protection Center	$ 7,500
Pacific Pride Foundation/Necessities of Life Pantry	$ 9,000
People's Self-Help Housing Corp./Anti-Gang Program	$ 4,000
Santa Maria Independent Living Environment (SMILE)	$12,000
Santa Maria Organization of Transportation Helpers/Senior Dial-A-Ride	$ 5,000
Santa Maria Valley FISH Meals On Wheels	$11,500
Santa Maria Valley Youth and Family Center	$ 7,000
Sisters of St. Francis/Marian Residence Lifeline	$10,000
The Salvation Army	$15,000
TOTAL	**$192,425**

Resolution No. 2008-50 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PUBLIC SERVICE ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2008-2009.

Capital Projects

Moe Mohanna, Simpson Housing Solutions, talked about the proposed Via Del Sol housing project. The development would be 37 affordable rental units that would be restricted for a 55-year period for low and very low income people. The program they applied for was a low-income, tax-credit program. The funding was critical to receive funding from the State. He commended City staff and the Block Grants Advisory Committee.

Councilmember Zacarías asked if they operated throughout California and if they had any local board members.

Mr. Mohanna stated Via Del Sol was a limited partnership with local partners. He said he was the developer, and they would either hire local third-party contractors or build themselves.

Councilmember Zacarías asked what kind of local connections would be available for the residents of the project when it was built.

Mr. Mohanna explained with every development they have done, they hire a local on-site manager. They have an in-house asset manager who makes regular site visits. They provide contact information to the local Police Department and Code Enforcement.

Sister Janet Corcoran, Marian Medical Center Foundation, talked about the agencies that were not fully funded or not funded at all including the Marian Foundation. She said there were third world conditions in the City and not enough funding to meet those needs. She commended the non-profit agencies that do so much to help meet the needs.

Sheryl Flores, People's Self-Help Housing/Acquisition of Land, stated their request for funding was ranked low because they did not have land ready to purchase. She said many landowners were unwilling to sell to non-profits because of the long escrows necessary to round up all the money.

Resolution No. 2008-48 approving the Capital Development activities and allocations was adopted on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

awarding funding to the following:

City of Santa Maria / Newlove Community Center	$100,000
Domestic Violence Solutions / Mariposa House Apartments	$ 89,348
Good Samaritan Shelter, Inc. / Flooring	$ 12,000
Good Samaritan Shelter, inc. / Re-Entry Facility	$150,000
SMILE/OPTIONS / Renovation of Group Homes	$ 32,550
Villa Del Sol / Oakley Court	$132,820
VTC Enterprises / Quality of Life Services Building	$300,000
Residential Rehabilitation (Loan Program Income)	$ 60,000
General Administration	$251,297
TOTAL	**$1,128,015**

Resolution No. 2007-48 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE CAPITAL DEVELOPMENT ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2008-2009.

HOME Investment Partnerships Program

Rodney Fernandez, Cabrillo Economic Development Corporation NeighborhoodWorks Homeownership Center, updated the Council on the Homeownership Center since its opening in December. In March alone, there were 150 defaults or foreclosures in Santa Maria. In 2008, they forecast approximately 1,300 defaults or foreclosures in Santa Maria. He asked the City to work with them and partner with them. He talked about Assembly Bill 2594 which would allow Redevelopment Funds to be used for these types of services.

Rigo Topia said he was one of the families working with Cabrillo to help him improve his credit score and buy a home.

Jeannie Barrett stated she had a lot of clients interested in homeownership. When there was a housing crisis like now, land prices go down. That was the time to land bank for future low-income housing projects. She was surprised that People's Self-Help Housing request was not being funded.

Councilmember Trujillo thanked Cabrillo Economic Development Corporation for establishing an office in town and suggested the City work with them.

Councilmember Zacarías agreed with Councilmember Trujillo and liked the suggestion of establishing a working group.

Resolution No. 2008-49 approving the HOME Investment Partnership Program activities and allocations was adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Zacarías, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

awarding funding to the following:

People's Self-Help Housing Corp. / Santa Maria Housing Counseling	$ 12,000
Santa Barbara Housing Assistance Corporation / Inger Project	$352,669
TOTAL	**$364,669**

Resolution No. 2008-49 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACTIVITIES AND ALLOCATIONS UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FISCAL YEAR 2008-2009 FEDERAL FUNDING.

Mary Jacka, speaking on behalf of Pedro Paez, talked about the need for low-income housing in the City. They wanted the City to work toward meeting the RHNA numbers for very-low and low-income housing. She requested that the HOME monies be allocated this year for low-income housing. It would be an opportunity for the City to finally do something for those families most in need.

Joan Leon, representing the Santa Maria Community Coalition, stated they believed the CBDG programs were beneficial to the community. They were surprised at the amount that could be used for administrative costs and had asked if less could be used for administration. She said they learned from the City Manager that the allowed 20 percent did not even cover the cost to the City. The City could charge for each program, but it did not in order to make more money available for services. She commended the City for its use of these funds.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino announced that since the Council had taken action on the resolutions prior to receiving all public input, it needed to rescind the previous actions adopting Resolution Nos. 2008-48, 2008-49 and 2008-50 and readopt them with the previous abstentions now that the public hearing had been closed.

On motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Zacarías, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Orach (Legal Aid Foundation only), Councilmember Zacarías (Alliance for Pharmaceutical Access, and Community Action Commission/Senior Nutrition Program only)

Resolution Nos. 2008-48, 2008-49, and 2008-50 were rescinded and readopted.

Mayor Lavagnino recessed the meeting at 8:20 p.m. for a short break. Mayor Lavagnino reconvened the meeting at 8:30 p.m. with all members present.

WATER AND SEWER RATE INCREASE

Director of Utilities Sweet gave the staff report. For the last 25 years, the City has implemented annual water rate increases of five percent or greater to retire bonds for State Water, to operate the water system, and implement capital improvements. In accordance with Proposition 218, a written notice of the proposed rate increases and the public hearing was mailed to utility customers with utility bills in both English and Spanish beginning February 1, 2008. Six ads were placed in the local newspapers announcing public workshops on March 10, 2008, and March 27, 2008, to discuss the proposed increases. A public hearing must be held. If a majority of the ratepayers file a written protest at or prior to the public hearing, then the rate increase could not occur. The City uses proceeds from water rates to run its water enterprise. In order to function properly, the enterprise must possess sufficient funding to pay for delivery of State Water and operate the water system. The City uses the proceeds from the sewer rate to run its wastewater enterprise. To ensure efficient operations, the enterprise must possess the appropriate funding to operate the system and maintain aging infrastructure prior to its decline. If the proposed five percent increases were approved, the typical residential customer consuming an average of 15 units of water each month would see an increase of $3.14 per month for water and an additional $.55 per month for sewer for a total increase of $3.69 per month. He displayed a chart showing a comparison of water and sewer rates for surrounding communities.

Mayor Lavagnino read a statement from the staff report: "successful completion of necessary capital improvements and maintenance for the wastewater and water enterprises depends on receipt of the proposed increase."

Mayor Lavagnino opened the public hearing.

Toru Miyoshi applauded staff for advertising the workshops. He said he thought Proposition 218 called for an election so people had the right to vote for or against the rate increase. He suggested a ballot be added to the notice so the public could vote on it. He said he was speaking in opposition to the increase. He felt the City should give the people the right to vote instead of having to file a written protest.

City Attorney Trujillo reminded Mr. Miyoshi of their meeting last year regarding the requirements of Proposition 218. For this type of rate increase, the protest hearing requirements needed to be followed. He said the City was following the requirements of Prop 218 and were in complete compliance with the law.

George Dailey, representing the Santa Maria Community Coalition, stated the Coalition felt the City's request for a rate increase was ill conceived considering the current economic situation. He asked if a rate increase was really necessary at this time. The Coalition believed the City could tighten its belt enough to put off the rate increases.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Chief Deputy City Clerk Perez announced there were no written letters of protest received.

City Attorney Trujillo explained that the requirement was to protest in writing; however, the two verbal protests could safely be counted.

Councilmember Zacarías stated she was sympathetic to the economic circumstances of the community. However, she was concerned about the statements in the staff report that the yearly cost to retire the City's debt service would be increasing from $3 million in Fiscal Year 2007-08 to $6.5 million in Fiscal Year 2011-2012. This was a way to meet those increases gradually.

Councilmember Trujillo stated this was a very modest increase that was necessary to pay the City's debt service. The City was in good shape because it was doing things systematically instead of implementing huge increases.

Councilmember Patino stated one of the requirements of Proposition 218 was that the revenue could not be used for any purpose other than for which it was being charged.

Councilmember Orach stated the City was saving money for the community because it brought in State water many years ago.

Ordinance No. 2008-06 increasing water and sewer rates by five percent was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-06 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RELATING TO INCREASING WATER AND SEWER RATES BY FIVE PERCENT.

AMENDMENTS TO NOISE ELEMENT

Advance Planner Smith gave the staff report. The proposed General Plan text amendment would allow exterior noise levels above 60 decibels, but not exceeding 75 decibels, within the outdoor living areas of multi-family and mixed uses. The zoning text amendments would add related noise narrative to the R-2 (Medium-Density Residential), R-3 (High-Density Residential), and Mixed Use sections of Title 12 of the Santa Maria Municipal Code. Outdoor living areas referred to patios, balconies, and similar unenclosed spaces. The Noise Element was last revised and adopted in 1997.

Currently, the maximum permitted exterior noise level in residential land uses was 60 decibels with no exceptions. The City has significantly encouraged higher density and in-fill development recently. Several mixed-use projects have been approved as well. Because staff and developers see these projects as trends to provide additional semi-private outdoor spaces in urban settings, the amendments were City initiated. The amendments are designed to increase the use and functionality of outdoor living spaces while supporting future development of multi-family residences in various areas throughout the City. Outdoor living areas create an atmosphere for socializing among neighbors and guests while also helping to build community ties when designed to face the street. On March 19, 2008, the Planning Commission held a public hearing to consider the proposed amendments. The Commission unanimously adopted Resolution No. 2501 recommending that the City Council adopt a negative declaration of environmental impact and Resolution No. 2502 recommending that the Council amend the Noise Element of the General Plan and adopt an ordinance effecting changes to Title 12 of the Municipal Code.

Councilmember Trujillo asked if automobile noise was part of this.

Advance Planner Smith stated allowing multiple-family units near automobile noise sources would be part of the amendments, including areas along Broadway or other streets with consistently high levels of traffic.

Mayor Lavagnino opened the public hearing.

Nancy Johnson, Santa Maria Community Coalition, stated the Coalition thought it was very good that the City was supporting mixed-use projects. However, they did not want to see any level of sound going up. She read from the staff report the types of noises people would be subjected to if they moved into one of these areas. They did not want to encourage sound levels increasing.

Advance Planner Smith stated there were generators and receptors of noise. The amendment did not allow any use that was not currently allowed. It allowed certain receptors to be located near generators in outdoor living areas without the need for walls. It would permit projects that would allow people to use their outdoor living areas at a little higher noise level.

Laura Tamura, Urban Planning Concepts, stated over the last couple of years that she had been working on mixed-use projects, she had been challenged with balconies and patios facing the street having to be screened by eight foot walls along the streets. Community Development Director Lindsey decided it was time to look at the Noise Element and ways to avoid walling off the one thing that was wanted - encouraging people to interact from their balconies and in their courtyards.

Toru Miyoshi stated he heard staff say that this was to address the more urban lifestyle of the City. He said he felt the City should try to keep the more rural atmosphere and keep the noise level at its current level.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Patino stated there were neighborhoods in the community that were nice and quiet. She said she could understand the noise level being increased during parades or special events but did not feel there was a need for increased noise levels in residential areas. She asked if it could be restricted to the Downtown Specific Plan area.

Councilmember Orach stated this was limited to multi-family areas and would not affect single family residential areas.

Councilmember Zacarías stated she understood this would not give people permission to generate more noise. She said she was comfortable supporting the amendment and liked encouraging more of a community atmosphere, living closer to one another with more activity going on.

Mayor Lavagnino stated this was "back to the future," to the way things were in the old days. People who lived above stores were subject to more noise. Santa Maria needed to do more of the mixed-use projects.

Resolution No. 2008-51 was adopted authorizing the filing of a Negative Declaration of Environmental Impact, E-2008-007, on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, Zacarías, and Mayor Lavagnino
NOES: Councilmember Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2008-51 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING NO DETRIMENTAL ENVIRONMENTAL IMPACT AND DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REGARDING AMENDMENTS TO THE GENERAL PLAN NOISE ELEMENT AND TO THE SANTA MARIA MUNICIPAL CODE, TITLE 12, CHAPTERS 12-7, 12-8, AND 12-49, E-2008-007.

Resolution No. 2008-52 was adopted approving amendments to the Noise Element on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, Zacarías, and Mayor Lavagnino
NOES: Councilmember Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2008-51 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN NOISE ELEMENT AMENDMENT (GP-2008-001).

Ordinance No. 2008-07 amending Chapters 12-7, 12-8, and 12-49 of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, Zacarías, and Mayor Lavagnino
NOES: Councilmember Patino
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-07 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTERS 12-7, 12-8, AND 12-49 OF THE SANTA MARIA MUNICIPAL CODE, PERTAINING TO NOISE IN OUTDOOR LIVING AREAS.

WEST MAIN SPECIFIC PLAN AMENDMENT

Planner Scott gave the staff report. The request is to amend the West Main Specific Plan for property located at the southwest corner of West Main Street and South Blosser Road. The West Main Specific Plan was adopted by the City Council on July 5, 1994. On December 20, 2007, the applicant for 34.48 acres of the Plan area proposed certain amendments to the Specific Plan. The amendments would realign the future Cypress Street and expand the Plan's Design Guidelines to specify environmentally sustainable building materials and broaden the variety of architectural details. The amendment would also delete the median barrier at South Blosser Road and Cypress Street and create a signalized intersection at that location. On March 19, 2008, the Planning Commission considered these changes and unanimously recommended City Council approval.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarías asked if the impact on the intersection of Cook Street and Blosser Road had been evaluated, and if that intersection would remain the same.

Planner Scott replied the changes would occur at Cypress Street, and no changes were proposed for Cook Street.

Resolution No. 2008-53 was adopted amending the West Main Specific Plan by modifying objectives and recommendations to the text, diagrams and figures contained in Sections 1.0 and 2.0 of the Specific Plan on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-53 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO SECTIONS 1.0 (GENERAL CONCEPTS) AND 2.0 (LAND DEVELOPMENT PATTERN) OF THE WEST MAIN SPECIFIC PLAN SPZ-2007-003.

Ordinance No. 2008-08 amending Section 3.0 of the West Main Specific Plan was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-08 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO SECTIONS 3.0 (LAND DEVELOPMENT REGULATIONS) OF THE WEST MAIN SPECIFIC PLAN SPZ-2007-003.

2008 ANNUAL WEED ABATEMENT PROGRAM

Director of Public Works/City Engineer Whitehead gave the staff report. On March 18, 2008, the City Council adopted Resolution No. 2008-31 commencing the 2008 Annual Weed Abatement program and setting this meeting as the date to hear objections regarding the abatement of weeds, rubbish, refuse, and dirt from certain properties. The Streets and Facilities staff mailed 113 abatement letters to owners of 143 properties. The purpose of the letter was to make certain the property owners were aware that property they own required appropriate maintenance. The property owners were given the opportunity to sign and return the letter indicating they would abate the weeds from their property and continually maintain it.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2008-54 was adopted overruling objections to the annual weed abatement program on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-54 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

AREA 9 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT FUNDING

Advance Planner Smith gave the staff report. Area 9 annexed into the City in November 2004 and remains mostly undeveloped because there are no service connections to water or sewer lines. Urban Planning Concepts represents many of the Area 9 property owners. The property owners' representative has estimated an approximate cost of $500,000 for the Environmental Impact Report (EIR). The participating property owners are prepared to pay approximately 50 percent of that amount. The amount of funds requested from the City would be approximately $250,000, enough to pay for the estimated costs of the EIR. The primary goal of the Economic Development Element of the General Plan is to "create more jobs and create jobs that pay higher salaries or compensation, thereby raising the standard of living for the citizens of Santa Maria." With over 500 acres of land within the whole project, Area 9A represents a very large part of the City's vacant industrial land where higher-paying jobs could be created. The site, however, has no water or sewer connections and there currently exists no mechanism for phasing infrastructure installation in logical, orderly steps. Bringing Area 9 to a position that new development could be built would only occur after water, sewer, drainage, and roads were delivered to the project sites. The $250,000 requested by the property owners would be funded from the City's General Fund. Once the Specific Plan was approved, development proponents would be required to reimburse the City's General Fund through a Reimbursement Funding Program to be established in accordance with Government Code Section 65456.

Laurie Tamura, Urban Planning Concepts, reminded the Council that they came before the Council a year ago for direction regarding Area 9-A. Because half of the landowners were sitting on the sidelines, they were asking to have a partnership with the City to help fund the EIR in order to take some of the pressure off of those landowners that were currently participating in the process and moving forward with development projects.

Greg Greeley stated he was in support of the Environmental Impact Report but wanted to express concern about a problem he has been having since before the City annexed the property. He read from a statement he presented to the City Council regarding a trucking company that moved onto the property adjacent to his property subjecting his family to noise, dust, diesel smoke, and strange smells coming into his home at all hours of the day and night. He asked that the EIR be done properly without haste.

Mayor Lavagnino asked that Code Compliance work with Mr. Greeley.

Ron Faas, Santa Maria Community Coalition, stated the Coalition opposed the request to provide funding because the priority of the City should be to help the Santa Maria Airport Business Park Project, allocation of the funds would set a precedence for other developments, all General Fund Departments had been asked to reduce their expenditures by 3.3 percent, and no evidence had been provided that the property owners lacked the ability to pay the full cost. They objected to having money from the General Fund to help private developers.

Toru Miyoshi stated he was concerned about the City becoming a partner in this project. He said he had never heard of a request for the City to help fund an EIR. He felt it would be short-changing the community. He said the standard cost of an EIR had always been borne by the developer.

Laurie Tamura stated this was important because they were dealing with 18 property owners, and it was difficult to pull all those landowners together. Normally, developers did pay full costs. However, because it was a unique situation, they did need some help with those landowners who were not participating at this time.

Councilmember Zacarías stated she understood that the request was to loan General Fund monies at an interest rate that would be the same as the City would be making elsewhere. She asked if the EIR would cover both Areas 9-A and 9-B.

Laurie Tamura stated the environmental document would be looking at the land use changes proposed for Area 9-A and the infrastructure for the entire Area 9. There would be benefit to Area 9-B, but they would not be proposing any land use changes in Area 9-B.

Councilmember Zacarías said the resolution stated all property owners in Area 9 would repay the money. She asked if there were individual landowners who were choosing not to participate at all in the development of their share of these lands.

Laurie Tamura displayed a chart showing which property owners were moving forward with development at this time, those who want to participate but not pay the costs, and those in Area 9-B who did not want to participate.

Councilmember Zacarías asked if there was any kind of liability the City would be imposing upon those landowners who did not want to participate. She asked if that meant the City would not be repaid for their share.

City Attorney Trujillo explained that the Government Code Section that authorized this assumed that there would be a reimbursement agreement between the public agency and the property owners. It would be voluntary. It would apply once the landowners decided to develop their property. If the landowners chose never to develop and never participate, the City would not have the mechanism or contract with them to obtain reimbursement.

Councilmember Zacarías stated she was not opposed to the concept and felt it was a very good way to encourage development. She asked if there was a risk that some of the landowners would never pay their share. She asked if the rest of the landowners were going to accept responsibility for those that did not want to repay the City. She wanted to make sure that the public dollars would be coming back to the City with interest.

City Manager Ness stated it would be a condition of development that the City be reimbursed. In the event that a property never developed, the City would not be reimbursed. The practicality of the property never being developed was unlikely.

Councilmember Patino asked what would happen with the EIR if there was a long span of time before development occurred and the EIR became outdated. For instance, Greka Oil Company has said they were not going to develop.

Laurie Tamura stated the investment the City made twelve years ago for the Sphere of Influence EIR was used for the annexation of this property. What they would be doing was taking that old information and refreshing it because they would be proposing changes to the land uses. This EIR would be a very good document for a long time to come.

Councilmember Zacarías stated Greka Oil Company and Agro-Jal represent almost 50 percent of the land. She felt uncomfortable making a loan to them if they were not planning to develop.

Jim Diani, Black Road Investments, stated some of the property owners were willing to pay their share, but they were unwilling to put up the money for the other property owners. If the City did not participate, they would be backing out because they had no way to recoop the rest of the money from the other property owners. The benefit for the City would be to move this project forward to get appropriate planning completed for the future industrial area of the City.

Mayor Lavagnino stated this was an investment the City would be making in its industrial area.

Councilmember Trujillo stated this was an investment in the City's industrial area and the City. It was a good business investment because when the area developed, the land would be very valuable.

Resolution No. 2008-55 providing up to $250,000 for funding the preparation of an Environmental Impact Report for the Area 9 Specific Plan was adopted on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2008-55 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING FINANCIAL ASSISTANCE FROM THE CITY FOR PREPARATION OF AN EIR FOR THE AREA 9 SPECIFIC PLAN AND DIRECTING THE CITY MANAGER TO DEVELOP A SPECIFIC PLAN FEE FOR REIMBURSING CITY COSTS.

CITY MANAGER'S REPORT

City Manager Ness reported on items expected for the May 6, 2008, City Council meeting including an agreement between the Santa Maria Public Airport District and the City for aircraft rescue and firefighting services, Measure D Local Program of Projects, an agreement to continue the Breeze bus service for another six years, a report on reducing speed limits in school zones, the Mitigated Negative Declaration for the Los Flores Ranch Passive Recreation Project, and the Annual Transportation Development Act (TDA) Claim for the year.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported he attended the retirement celebration for Gary Rice, Santa Maria Public Airport Manager.

Councilmember Patino reported she attended the grand opening of the Science Building at Allan Hancock College on Friday, April 4th. On April 9th, she attended the Strawberry Recognition Dinner. She announced the strawberry grower award winners. On Thursday, April 10th, she attended the Santa Maria Public Airport District Board meeting regarding the Airport Mobilehome Park and the impact conversion report.

Mayor Lavagnino announced he attended the Strawberry Recognition Dinner, Gary Rice's retirement party, and over the weekend he attended the Autism fundraising barbecue.

Councilmember Zacarías reported she would be attending the Community Action Commission Annual Conference and Poverty Summit this week in San Francisco. She completed her work as a VITA volunteer tax preparer for low-income families. She also reported she delivered the key note address for the State Migrant Education Parent Conference.

Councilmember Orach reported he had been out of town to watch his son race in a bicycle race in Ojai.

Councilmember Orach moved to adjourn the meeting in honor of Ralph Sherwood who passed away today.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:01 p.m.

APPROVED

May 6, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria